REMARKS

Claims 1-23 are pending in this application. In an Office Action mailed March 24, 2008 ("OA"), the Examiner rejected claims 1-23. With this response, Applicant amends claims 6, 9, 14, and 19 for clarification purposes and adds new claim 24. To the extent these amendments constitute recapture of claim scope that was previously disclaimed, the Examiner is requested to revisit the prior art with respect to the present claims. Applicant respectfully traverses the rejections and requests reconsideration based on the following remarks.

In addition, Applicant does not necessarily agree with or acquiesce to the Examiner's characterization of the claims or the prior art, even if those characterizations are not addressed herein.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0217297 ("Gschwind") in view of U.S. Patent No. 5,732,215 ("Boutaghou"). Applicant respectfully traverses the rejection.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. MPEP § 2142, 8th Ed., Rev. 6 (Sept. 2007). "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." MPEP § 2145. Furthermore, "[t]he mere fact that references can be combined or modified does not render the resultant combination

obvious unless the results would have been predictable to one of ordinary skill in the art" at the time the invention was made. MPEP § 2143.01(III), internal citation omitted. Moreover, "[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP § 2141.02(I), internal citations omitted (emphasis in original).

"[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art. " MPEP § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." MPEP § 2141(III). In this application, a *prima facie* case of obviousness has not been established because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Based on the MPEP and its supporting case law, Applicant respectfully requests that the Examiner reconsider the rejection to the claims.

Claim 6 recites "monitoring one or more parts of the application; obtaining event data from a sensor attached to the chip, the event data including times that one or more sensor outputs indicates an existence of a power consumption property of the chip being at least a predetermined value; and for at least one of the parts of the application,

correlating the event data with the parts of the application" (emphasis added). Applicant respectfully submits that Gschwind in view of Boutaghou fails to render claim 6 obvious.

The Examiner relied on Gschwind as the primary reference. OA at page 2. Gschwind discloses a method and apparatus for a power and thermal management software and hardware components. Gschwind at page 1, paragraph 0002 (hereinafter notated as 1:0002). When the hardware components of the system detect that a power or thermal sensor indicates that a reference value c_1 of the microprocessor has exceeded certain predetermined levels, the hardware components send a notification signal to the software. *Id.* at 2-3:0035. Upon receiving the notification signal, the software performs certain methods to reduce the power. *Id.* at 3:0035-0036.

But Gschwind's disclosure appears to only monitor the power and thermal sensors provided by the microprocessor—not the application itself, as recited in claim 6. As stated above, upon detecting that the reference value c_1 of sensor exceeds a certain level, the hardware sends a notification signal to software to reduce the power. This notification signal, however, does not constitute the monitoring of an application, as recited in claim 6.

Further, the Examiner acknowledged that Gschwind fails to disclose "a method [for] recording a time that the sensors output indicates an existence of [] power consumption property at a predetermined value." OA at page 3. To overcome Gscwind's shortcominings, the Examiner relied on Boutaghou. Boutaghou is directed to equalizing the operating temperatures of direct access storage devices of an array. Boutaghou at coloumn 1, lines 9-12. But Boutaghou, like Gschwind, fails to disclose or suggest monitoring an application, as recited in claim 6. Because neither reference

discloses or suggests the monitoring of an application, Gschwind in view of Boutaghou fails to render claim 6 obvious.

Further, the Examiner asserts that the reason for combining Boutaghou with Gschwind would be to "give the added benefit of power conservation and further prevention of damaging the chip due to excessive temperatures for extended period of time." OA at page 4. But Gschwind already notifies the software to conduct methods for reducing power to the microprocessor in order to avoid damage (Gschwind at 2:0035-3:0036) so adding Boutaghou would provide no additional benefit to Gschwind. Because Boutaghou fails to provide any additional benefit to Gschwind, at least according to the Examiner's purported reasoning, Applicant respectfully submits that the Examiner has failed to provide a sufficient reason for combining Boutaghou into Gschwind. For at least these reasons, Applicant respectfully submits that claim 6 is patentable over the cited art.

Claims 7 and 8 depend on claim 6 and are patentable for at least the same reasons as claim 6.

Independent claims 9, 14, and 19 recite language similar to that of claim 6 and are patentable for at least the same reasons as claim 6. Dependent claims 10-13, 15-18, and 20-23 depend on at least one of these independent claims and are patentable for at least the same reasons as these independent claims.

Further, the Examiner applied the same reasoning for combining Boutaghou with Gschwind to claim 1 as applied to claim 6. Because this reasoning was deficient, Applicant respectfully submits that claim 1 is patentable over the cited art. Claims 2-5 depend on claim 1 and are patentable for at least the same reasons as claim 1.

New Claim 24

Applicant adds new claim 24, which recites "[a] method for analyzing operation of a chip based on an executing application, the method comprising: monitoring one or more portions of the executing application; correlating the monitored one or more portions of the executing application with power consumption data obtained by a sensor on the chip; and storing data corresponding to the correlating." For at least the reasons provided above, Applicant respectfully submits that claim 24 is patentable over the cited art.

CONCLUSION

In view of the foregoing remarks, claims 1-24 are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.
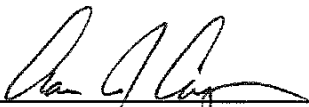
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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